

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

**NOTICE OF ERRATA CORRECTING FILING CAPTION**

Movants hereby file this Errata correcting the filing case caption on the documents filed on February 27, 2023, in case No. 3010, [ECF No. 229] The Plaintiff States' Motion to Remand, and subsequent attachments, [ECF No. 229-1] Memorandum of Law, [ECF No. 229-2] Exhibit A-Affidavit of Ashley Keller, and [ECF No. 229-3] Proof of Service, with the pages attached hereto as Exhibit 1.

Date: March 3, 2023

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# Exhibit 1

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

THE PLAINTIFF STATES' MOTION PURSUANT TO 28 U.S.C. § 1407 FOR REMAND  
TO THE EASTERN DISTRICT OF TEXAS AND TO EXPEDITE BRIEFING AND  
CONSIDERATION OF MOTION

The Plaintiff States respectfully move this Panel under 28 U.S.C. § 1407 for an order transferring the above titled action to the United States District Court for the Eastern District of Texas.

In support of their Motion, the States assert as follows:

1. On December 29, 2022, President Biden signed into law the State Antitrust Enforcement Act of 2021 (the "Venue Act"). *See Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Div. gg, Title III, § 301, 136 Stat. 4459, 5970 (2022).* The Venue Act removes state antitrust enforcement actions, like the State Plaintiffs' lawsuit, from the ambit of the Multidistrict Litigation Act.

2. The Venue Act applies to *The State of Texas, et al. v. Google LLC*, No. 1:21-cv-6841-PKC (S.D.N.Y. 2021).

a. The Venue Act applies to the States' lawsuit because it merely changes a procedural rule. The Supreme Court has held that "[c]hanges in procedural rules may often be applied in suits arising before their enactment without raising concerns about retroactivity." *Landgraf v. USI Film Prod.*, 511 U.S. 244, 275

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

**THE PLAINTIFF STATES' MEMORANDUM IN SUPPORT OF REMAND**  
**TO THE EASTERN DISTRICT OF TEXAS**

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

**AFFIDAVIT IN SUPPORT OF MOTION FOR REMAND**

Pursuant to Rule 10.3(a)(i) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, Keller Postman LLC states as follows:

1. I, Ashley C. Keller, am a Partner with Keller Postman LLC, and I make this Affidavit in support of the Plaintiff States' Motion for Remand to the Eastern District of Texas.
2. The Plaintiff States have not previously requested a suggestion of remand with Judge Castel of the Southern District of New York in, *In Re: Google Digital Advertising Antitrust Litigation* concerning the Plaintiff States.
3. The Parties began discovery on November 21, 2022 with the entry of Pre-Trial Order No. 5/Scheduling Order (ECF No. 394), and the Plaintiff States have complied with all Orders entered by Judge Castel in the consolidated action in SDNY, *In Re: Google Digital Advertising Antitrust Litigation*.

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

PROOF OF SERVICE

In compliance with Rule 4.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that copies of the foregoing Motion to Remand and associated pleadings were filed electronically with the Clerk of the JPML using the CM/ECF System and were served electronically on all counsel of record and/or in the manner indicated below:

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ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

MDL No. 3010

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In compliance with Rule 4.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that copies of the foregoing Notice of Errata were filed electronically with the Clerk of the JPML using the CM/ECF System and were served electronically on all counsel of record and/or in the manner indicated below:

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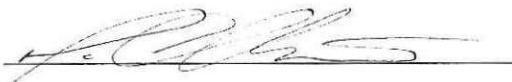
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